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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/054,946

01/25/2002

Artur Valentin

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06/13/2006

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EXAMINER

PERUNGAVOOR, VENKATANARAY

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/054,946

Applicant(s)

VALENTIN, ARTUR

Examiner

Venkat Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/15/2006 has been entered.

### ***Response to Arguments***

2. The Applicant's arguments filed 5/15/2006 are not persuasive. As Bernabeo(U.S Patent Publication 2001/0054010) discloses the device not operable without the device code see Par. 0028 as Bernabeo mentions the device given to the purchaser or else the device is idle and not operable. It is suggestive that when the device is given to the purchaser so that he/she may use it(operable), but as it sits inventory it is unlikely to be in operable state because such would be waste of resources(power, battery). And further, Bernabeo discloses the operability being reliant on the redemption code received from the purchaser, thus effectively controlling the usability of the device. And finally, the operability/controllability of the device is further illustrated with the movie theater admittance being reliant on the redemption code see Par. 0030.

3. The Applicant's argument's regarding Claim 5 is not persuasive. As Bernabeo discloses the database reading out for the device see Par. 0028 and commissioning it to the purchaser.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

5. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication 2001/0054010 A1 to Bernabeo et al.(hereinafter Bernabeo).
6. Claim 1-4 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2001/0054010 A1 (with priority under 119(e) based on 60/202251 filed on 5/5/2000) to Bernabeo et al.(hereinafter Bernabeo).
7. Regarding Claim 1, Bernabeo discloses the storing of device number and device code in a database see Par. 0027-0028(Bernabeo discloses of further having a purchaser redemption code associated with each device this suggest that a number be part of this in order for there to be an link be particular purchaser and redemption code, further illustrated by the movie access disclosed by Bernabeo see Par. 0030). Bernabeo further discloses the delivery of the device see Par. 0036 & Fig. 5A item 106; Bernabeo also discloses the readout simultaneously of

the code in conjunction with the device number from a database for use for the first time see Par. 0028. Bernabeo discloses the operability/controllability of the device being reliant on the redemption code received from the purchaser, and only upon the receipt and validation of the code with the one in the database can the purchaser be access to the device see Par. 0028. And also see arguments above.

8. Regarding Claim 2, Bernabeo discloses the storing of code in a unchangeable memory area that can not be read by outsiders see Par. 0013 & Par. 0036.
9. Regarding Claim 3, Bernabeo discloses the code number being invoice number see Par. 0027.
10. Regarding Claim 4, Bernabeo discloses the storing of device number and device code in a database see Par.0027-0028(Bernabeo discloses of further having a purchaser redemption code associated with each device this suggest that a number be part of this in order for there to be an link be particular purchaser and redemption code, further illustrated by the movie access disclosed by Bernabeo see Par. 0033).

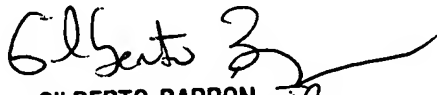
### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Venkat Perungavoor  
Examiner  
Art Unit 2132

VP  
6/5/2006

  
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